

SCOFIELD TOWN ORDINANCE 3-2026

AN ORDINANCE AMENDING CHAPTER V OF THE SCOFIELD LAND USE CODE TO CREATE A RESIDENTIAL-2 (R-2) ZONE WITH REDUCED SIDE SETBACKS FOR LEGAL NONCONFORMING LOTS OF RECORD; ESTABLISHING ELIGIBILITY CRITERIA AND PROCEDURES FOR REZONING; AND PROVIDING FOR RELATED MATTERS

WHEREAS, the Town Council of Scofield Town, Carbon County, Utah, is authorized pursuant to the Land Use, Development, and Management Act (LUDMA), Utah Code Ann. §§ 10-20-101 et seq., to adopt and amend land use ordinances regulating the use and development of land within the Town; and

WHEREAS, Scofield Town has adopted a General Plan, and the creation of a Residential-2 (R-2) Zone to accommodate development on legal nonconforming lots of record is consistent with the goals of that General Plan to foster residential development and enable reasonable use of private property; and

WHEREAS, a number of legal lots of record within the Town limits have frontage of less than sixty (60) feet, which limits the practical ability of property owners to develop those lots under the current R-1 setback requirements; and

WHEREAS, reducing the side setback requirement for such qualifying lots, through a defined rezone process, would enable property owners to make reasonable use of their land while preserving the residential character and safety of the Town; and

WHEREAS, the Planning and Zoning Commission held a public meeting on this matter, and has recommended adoption of an Ordinance to create a Residential 2 (R2) Zone to the Town Council; and

WHEREAS, the Town Council considered the recommendation of the Planning and Zoning Commission, held a duly noticed public hearing on this Ordinance in accordance with Utah Code Ann. § 10-20-205, considered public comment, and finds that this Ordinance is in the best interest of the public health, safety, and welfare of Scofield Town;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Scofield Town, Carbon County, Utah, as follows:

SECTION 1. CREATION OF RESIDENTIAL-2 (R-2) ZONE

Chapter V, Establishment of Zones, of the Scofield Land Use Code is hereby amended to add the Residential-2 (R-2) Zone as set forth in this Ordinance. The R-2 Zone shall apply only to qualifying legal nonconforming lots of record that have been approved for rezone pursuant to the procedures established herein.

SECTION 2. ELIGIBILITY CRITERIA FOR REZONE TO R-2

A parcel shall be eligible for consideration for rezone from R-1 to R-2 only upon satisfaction of all of the following criteria:

1. The parcel is a legal lot of record, as that term is used in the Scofield Land Use Code, meaning a lot that was lawfully created and recorded with the Carbon County Recorder.
2. The lot has a street frontage measuring less than sixty (60) feet, as measured along the front property line.
3. The lot was recorded as a legal lot of record prior to April 13, 2026. Lots created by subdivision or other conveyance on or after April 13, 2026 shall not be eligible for the R-2 rezone under this Ordinance.
4. The lot is currently zoned R-1 and is located within the incorporated limits of Scofield Town.
5. Development on the lot, as proposed by the applicant, cannot reasonably comply with the R-1 side setback requirements due to the lot's width.

SECTION 3. REZONE APPLICATION AND PROCEDURE

Property owners seeking a rezone from R-1 to R-2 shall comply with the following procedures, consistent with the requirements of Utah Code Ann. §§ 10-20-205 and 10-20-501 et seq.:

1. Application. The property owner shall submit a completed rezone application to the Town of Scofield on the form prescribed by the Town, together with the required application fee as established by Town resolution. The application shall include, at minimum: (a) proof of ownership; (b) a copy of the recorded plat or deed establishing the lot as a legal lot of record; (c) a site plan drawn to scale showing lot dimensions, frontage, existing and

proposed structures, and proposed setbacks; and (d) a written statement explaining why R-1 side setback requirements cannot reasonably be met.

2. **Completeness Review.** Upon receipt of an application, the Town shall determine whether the application is complete within a reasonable time. If the application is deficient, the Town shall provide written notice identifying the specific deficiencies. The applicant shall have thirty (30) days to cure any deficiencies identified.
3. **Public Hearing and Notice.** Upon a determination that the application is complete, the Planning and Zoning Commission shall schedule a public hearing. Notice shall be provided in accordance with Utah Code Ann. § 10-20-205, including: (a) published notice in a newspaper of general circulation at least ten (10) days prior to the hearing; (b) mailed notice to the applicant and to owners of real property whose property is located entirely or partially within a proposed zoning map enactment at least ten (10) days prior to the hearing; and (c) posting of notice on the subject property at least ten (10) days prior to the hearing.
4. **Planning Commission Recommendation.** Following the public hearing, the Planning and Zoning Commission shall make a written recommendation to the Town Council to approve, approve with conditions, or deny the rezone application. The Commission shall consider whether the proposed rezone: (a) is consistent with the Scofield General Plan; (b) meets the eligibility criteria in Section 2 of this Ordinance; (c) will not adversely affect the health, safety, or general welfare of neighboring property owners or the public; and (d) is consistent with the character of the surrounding residential neighborhood.
5. **Town Council Action.** The Town Council shall consider the application and the Planning and Zoning Commission's recommendation at a public meeting and shall approve, approve with conditions, or deny the rezone by ordinance or resolution. An approved rezone shall be reflected on the Scofield Zoning Map.
6. **Appeal.** Any person adversely affected by a Town Council decision on a rezone application may appeal the decision to the Town's Appeal Authority within thirty (30) days of the decision, pursuant to Utah Code Ann. § 10-20-701.

SECTION 4. AMENDMENTS TO CHAPTER V OF THE SCOFIELD LAND USE CODE

Chapter V, Establishment of Zones, of the Scofield Land Use Code is hereby amended as follows:

5-2 RESIDENTIAL-1 (R-1) AND RESIDENTIAL-2 (R-2) ZONES

5-2.1 Residential-1 (R-1) Zone — Legislative Intent.

The Residential-1 (R-1) Zone has been created to provide suitable areas within Scofield Town for the development of residential neighborhoods. A minimum of vehicular traffic and quiet residential conditions favorable to family living and the rearing of children shall also be characteristic of this zone. Representative uses within the R-1 Zone include one-family dwellings, the keeping of household pets, parks, playgrounds, churches, and other community facilities designed in harmony with the characteristics of the zone.

5-2.2 Residential-2 (R-2) Zone — Legislative Intent.

The Residential-2 (R-2) Zone has been created to provide owners of legal nonconforming lots of record within Scofield Town — lots that cannot reasonably comply with the R-1 side setback requirements due to substandard lot width — an opportunity to develop their property for residential use. The R-2 Zone maintains all standards of the R-1 Zone except for the side setback requirement, which is reduced as provided in Section 5-2.5 below. The R-2 Zone is intended to foster development on underutilized lots, enable reasonable use of private property, and maintain the residential character and safety of the Town. The R-2 Zone designation shall apply only to parcels that have received Town Council approval of a rezone pursuant to Section 3 of this Ordinance.

5-2.3 Permissible Uses.

- a. Permitted uses in the R-1 and R-2 Zones shall be as indicated in Table 2 of the Scofield Land Use Code, subject to compliance with all applicable standards and requirements of this Code. Approval of other agencies or levels of government may also be required.

- b. Uses permitted by special exception in the R-1 and R-2 Zones shall be as indicated in Table 2, subject to compliance with the requirements of this Code and after approval, in the form of a Special Exception Permit, has been granted by the Planning and Zoning Commission. Approval of other agencies or levels of government may also be required.

5-2.4 Applicable Standards.

Except as expressly modified by Section 5-2.5 (Side Setback Requirements) below, all development standards, dimensional requirements, permitted and special exception uses, and other regulations applicable to the R-1 Zone under Sections 5-2.1 through 5-2.7 of the Scofield Land Use Code shall apply equally to the R-2 Zone, including but not limited to: front setback, rear setback, maximum building height, maximum lot coverage, and minimum parking requirements.

5-2.5 Side Setback Requirements.

a. R-1 Zone. Side setbacks in the R-1 Zone shall be as established in the Scofield Land Use Code development standards table applicable to the R-1 Zone.

b. R-2 Zone. The minimum side setback for structures in the R-2 Zone shall be _____ feet on each side yard. This reduced setback applies in lieu of the R-1 side setback requirement and only upon an approved R-2 rezone pursuant to Section 3 of this Ordinance.

c. Fire Code and Building Code. Notwithstanding the foregoing, all structures shall comply with applicable International Residential Code (IRC) and International Fire Code (IFC) provisions relating to fire separation distances between structures on adjacent lots, as adopted by the State of Utah and the Town of Scofield. Where state or local fire or building code requirements impose a greater setback than the _____ foot minimum established herein, the more restrictive standard shall apply.

5-2.6 Rezone Requirement.

No property shall be developed under the R-2 side setback standards unless the subject parcel has received an approved rezone to the R-2 designation pursuant to the procedures set forth in Section 3 of this Ordinance, and such rezone has been recorded on the Scofield Zoning Map. A building permit for development utilizing R-2 setbacks shall not be issued until a rezone has been formally approved and the Zoning Map updated.

5-2.7 Effect of Lot Combination or Reconfiguration.

If a parcel that has been rezoned to R-2 is subsequently combined with an adjacent parcel, or its boundaries are otherwise reconfigured in a manner that results in the combined parcel meeting or exceeding sixty (60) feet of street frontage, the R-2 designation shall no longer apply and the parcel shall revert to the R-1 Zone. The property owner shall notify the Town of any such combination or reconfiguration, and the Zoning Map shall be updated accordingly.

5-2.8 Access Requirements.

Each lot shall abut upon and have direct access to a public street. The length of said abutting side shall not be less than the minimum frontage requirement of the zone except that the length of said abutting side may be reduced to not less than thirty (30) feet when:

a. The lot is a “flag lot” provided that the flag portion of the lot, meets the minimum area requirement of the zone; or

b. The lot is wedge-shape or other irregular shape, provided that the lot will meet or exceed the minimum frontage requirements of the zone when measured along a line which intersects either side lot-line at points not more than sixty (60) feet from the front lot line.

5-2.9 Location Requirements.

All structures in the R1 and R2 Zones shall be set back from lot lines according to the applicable requirements shown in Table 4.

5-2.10 Height of Building.

The maximum height of any structure in the R1 and R2 zones shall be as shown in Table 4. Roofs above the square of exterior walls, chimneys, flag poles, television antennas, church tower, and similar structures not used for human occupancy are excluded in determining height.

5-2.11 Utility Requirements.

All dwelling and other structures in the R1 and R2 zones to be used for human occupancy shall be served by the town's water, sewer and other utilities deemed necessary.

5-2.12 Dwelling Requirements.

For dwellings, areas not intended for human habitation, such as garages, porches, and sheds shall not be included in determining compliance with the following requirements:

- a. The minimum horizontal dimension for dwelling in the R1 and R2 Zones shall be as shown in Table 4.
- b. The minimum floor area for dwellings in the R1 and R2 zones shall be as shown in Table 4.
- c. The Minimum height for dwellings in the R1 and R2 zones shall be as shown in Table 4.

SECTION 5. DEFINITIONS

For purposes of this Ordinance, the following definitions shall apply:

"Legal Lot of Record" means a lot, parcel, or tract of land that was lawfully created, platted, or conveyed prior to the applicable eligibility date, and that is documented by a recorded plat, deed, or other instrument on file with the Carbon County Recorder.

"Legal Nonconforming Lot of Record" means a legal lot of record that does not meet one or more of the current dimensional standards (including minimum frontage) of the zone in which it is located, but which was in lawful conformance with applicable standards at the time of its creation or is otherwise recognized as a nonconforming lot under the Scofield Land Use Code.

"Side Setback" means the minimum horizontal distance required between a structure and the side property line of a lot, measured perpendicularly from the side property line.

"Street Frontage" means the length of a lot line that abuts a dedicated public street right-of-way, as measured along the front property line.

SECTION 6. GENERAL PLAN CONSISTENCY

The Town Council finds that this Ordinance is consistent with the Scofield Town General Plan. The creation of the R-2 Zone furthers the General Plan's goals of enabling residential development, supporting reasonable use of private property, and fostering orderly growth within the Town's existing boundaries.

SECTION 7. SEVERABILITY

If any provision of this Ordinance or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 8. CONFLICTS

To the extent any provision of this Ordinance conflicts with any prior ordinance or provision of the Scofield Land Use Code, the provisions of this Ordinance shall control. All other provisions of the Scofield Land Use Code not expressly amended herein remain in full force and effect.

SECTION 9. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication as required by Utah Code Ann. § 10-3-711, or as otherwise provided by applicable law.